

06-Fre-99-PM 28.4/29.5

In the City of Fresno on Route 99  
from Herndon Canal 0.3 mile north  
of West Shaw Avenue to 0.9 mile  
south of Herndon Avenue

### FREEWAY AGREEMENT

THIS AGREEMENT, made and entered into on this 3<sup>RD</sup> day of OCTOBER, 2013, by and between the STATE OF CALIFORNIA, acting by and through the Department of Transportation (herein referred to as "STATE"), and the City of Fresno (herein referred to as "CITY"),

WITNESSETH:

WHEREAS, the highway described above has been declared to be a freeway by Resolutions of the California Highway Commission on July 20, 1944 and August 21, 1956; and

WHEREAS, STATE and CITY have entered into a Freeway Agreement dated June 6, 2013 relating to that portion of State Highway Route 99 from El Dorado Street to 0.9 miles south of Herndon Avenue; and

WHEREAS, a revised plan map for such freeway has been prepared showing the proposed plan of the STATE as it affects streets of the CITY; and

WHEREAS, it is the mutual desire of the parties hereto to enter into a new Freeway Agreement in accordance with the revised plan of said freeway;

NOW, THEREFORE, IT IS AGREED:

1. This Agreement supersedes that portion of said Freeway Agreement dated June 6, 2013 from Herndon Canal 0.3 mile north of West Shaw Avenue to 0.9 miles south of Herndon Avenue.

2. CITY agrees and consents to the closing of CITY streets, relocation of CITY streets, construction of frontage roads and other local roads, and other construction affecting CITY streets, all as shown on said plan map attached hereto marked Exhibit A and made a part hereof by this reference.

3. The obligations of STATE and CITY with respect to the funding and construction of the freeway project will always be dealt with in separate Cooperative Agreement(s) between the parties dated, and any amendments thereto, or Encroachment Permits issued to CITY. The parties responsible for the construction of the freeway shall make any changes affecting CITY streets only in accordance with the plan map attached hereto, marked Exhibit A.

4. The obligations of STATE and CITY with respect to the acquisition of the rights of way required for the construction, reconstruction, or alteration of the freeway and CITY streets, frontage roads, and other local roads will always be dealt with in separate Cooperative

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5. It is understood between the parties that the rights of way may be acquired in sections or units, and that both as to the acquisition of right of way and the construction of the freeway projects, the obligations of STATE and CITY hereunder shall be carried out at such time and for such unit or units of the projects as funds are budgeted and made lawfully available for such expenditures.

6. CITY will accept control and maintenance over each of the relocated or reconstructed CITY streets, and the frontage roads, and other STATE constructed local roads, on receipt of written notice to CITY from STATE that the work thereon has been completed, except for any portion which is adopted by STATE as a part of the freeway proper. If acquired by STATE, CITY will accept title to the portions of such roads lying outside the freeway limits, upon relinquishment by STATE.

7. This agreement may be modified at any time by the mutual consent of the parties hereto, as needed to best accomplish, through STATE and CITY cooperation, the completion of the whole freeway project for the benefit of the people of the STATE and of the CITY.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective duly authorized officers.

STATE OF CALIFORNIA  
Department of Transportation

CITY OF FRESNO  
By

MALCOLM DOUGHERTY  
Director of Transportation  
By

  
PATRICK N. WIEMILLER  
Public Works Director

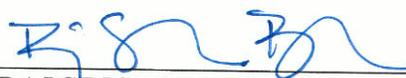
  
TIMOTHY CRAGGS  
Chief Design Engineer

APPROVED AS TO FORM:

APPROVED AS TO FORM:

DOUGLAS T. SLOAN  
City Attorney

  
Attorney (STATE)

 9.4.13  
RAJ SINGH BADHESHA  
Deputy City Attorney

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**(1:30 P.M. #2)** APPROVE A NEW FREEWAY AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION ON STATE ROUTE 99 FROM HERNDON CANAL OVERCROSSING TO 0.9 MILES SOUTH OF HERNDON AVENUE INCLUDING THE LOCATION OF A NEW INTERCHANGE WITH STATE ROUTE 99 AT THE VETERANS BOULEVARD ALIGNMENT

Assistant Public Works Director Mozier reviewed the issue, all as contained in the staff report as submitted and recommended approval.

On motion of Acting President Brandau, seconded by Councilmember Olivier, duly carried, RESOLVED, the Freeway Agreement with the California Department of Transportation (Caltrans) on State Route 99 from Herndon Canal overcrossing to 0.9 miles south of Herndon Avenue, including the location of a new freeway interchange with State Route 99 at the Veterans Boulevard alignment hereby approved, the Public Works Director or designee authorized the sign the agreement on behalf of the City of Fresno, by the following vote:

Ayes : Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong  
Noes : None  
Absent : None

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#### CLERK'S CERTIFICATION

I, **YVONNE SPENCE**, City Clerk of the City of Fresno, County of Fresno, State of California, do hereby certify the foregoing to be a full, true and correct extract of a portion of the minutes of the City Council meeting of September 12, 2013, Agenda Item 1:30 P.M. #2, Volume 162, Page 57, on file in my office.

IN, WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Fresno, California this 19th day of September, 2013.

**YVONNE SPENCE, CMC**  
City Clerk

By *Cindy Bauer*  
Deputy City Clerk



Yvonne Spence, CMC  
City Clerk

### CLERK'S CERTIFICATION

I, **YVONNE SPENCE**, City Clerk of the City of Fresno, County of Fresno, State of California, do hereby certify the foregoing to be a full, true and correct copy of City Council Resolution No. 2013-176 adopted on October 3, 2013; now on file in my office.

**IN, WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of the City of Fresno, California this 7<sup>th</sup> day of October, 2013.

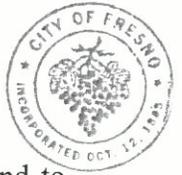
**YVONNE SPENCE, CMC**

City Clerk

By *Sherrin L. Badetscher*

Deputy City Clerk





and hereby commits to the construction and extension of Veterans Boulevard to the east and to West Barstow Avenue to the west as shown in the City of Fresno superseding Freeway Agreement # 06-Fre-99-PM 28.4/29.5, approved for execution by City of Fresno Council action on September 12, 2013. Be it further resolved that the City of Fresno also commits to the delivery of the new connection within ten years of CTC approval.

\* \* \* \* \*

STATE OF CALIFORNIA )  
 COUNTY OF FRESNO ) ss.  
 CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 3<sup>rd</sup> day of October, 2013.

AYES : Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong  
 NOES : None  
 ABSENT : None  
 ABSTAIN : None

YVONNE SPENCE, CMC  
 City Clerk

BY: Yvonne Spence  
 Deputy

APPROVED AS TO FORM:  
 CITY ATTORNEY'S OFFICE

BY: Raj Singh Badhesha  
 Raj Singh Badhesha, Deputy  
 Dated: 10.4.13

RSB:ns-cg [62856ns/reso]- 9/20/13

